

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re:

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) Chapter 9

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CITY OF DETROIT, MICHIGAN,

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Case No. 13-53846

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Debtor.

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Hon. Steven W. Rhodes

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**CREDITORS THE AMERICAN FEDERATION OF STATE COUNTY  
AND MUNICIPAL EMPLOYEES LOCAL 3308 AND LOCAL 917'S MEMORANDUM  
IDENTIFYING ISSUES OF LAW THAT MAY BE ADJUDICATED WITHOUT THE  
NECESSITY OF PROOF AT THE CONFIRMATION HEARING**

NOW COME Creditors, the American Federation of State County and Municipal Employees Local 3308 and Local 917 ("AFSCME"), with their Memorandum identifying issues of law that may be adjudicated without the necessity of proof at the confirmation hearing, and for their Memorandum state as follows:

1. AFSCME represents two bargaining units of employees that work for 36<sup>th</sup> District Court. There are several pending claims against 36<sup>th</sup> District Court to benefit AFSCME members and AFSCME itself. AFSCME filed a proof of claim in this action regarding these matters.
2. The Debtor's Confirmation Plan and its various amendments has sought to include claims against 36<sup>th</sup> District Court similarly as to claims against the debtor itself. Thus, creditors of 36<sup>th</sup> District Court would have their claims adjusted in these bankruptcy proceedings.

3. AFSCME filed an Objection to the Debtor's Confirmation Plan arguing that it is improper to have claims against 36<sup>th</sup> District Court, a distinct entity from the Debtor that is actually a State entity, adjusted or effected in this bankruptcy proceedings.
4. The issues surrounding the Debtor's inclusion of debts against 36<sup>th</sup> District Court are largely legal issues. Although some factual issues may be present, it does not seem based on the record thus far that these facts are in dispute.
5. Based upon information and belief, there is no need for the presentment of proofs at the plan confirmation hearing. In its Consolidated Reply in support of confirmation of the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (Docket No. 4392) (the "Plan"), the Debtor does not defend its Plan as written and instead argues that it will amend the Plan to allow claims against the State to continue.
6. AFSCME requests that it is given an opportunity to respond to the forthcoming amended Plan and to present other documents that may be necessary to decide this issue.
7. Since this issue has not been litigated in any meaningful manner, AFSCME's position that there are no factual issues may not prove to be accurate. If, in the Court's discretion, it finds that there are factual issues that require development, those issues, if any, would be narrow. If such narrow factual issues exist, AFSCME requests a separate evidentiary hearing to present any factual issues. This separate evidentiary hearing would promote judicial economy.

Wherefore, the Court's attention to this legal issue prior to the plan confirmation hearing would promote and a fair and expedient manner of considering the City's Plan.

Respectfully submitted,  
**MILLER COHEN, P.L.C.**

By: /s/ Robert D. Fetter  
Robert D. Fetter (P68816)  
Attorney for Defendant AFSCME 25  
600 W. Lafayette Blvd., 4<sup>th</sup> Floor  
Detroit, Michigan 48226  
(313) 964-4454

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